

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION

CYNTHIA R. LITTLE

PLAINTIFF

V.

CIVIL ACTION NO. 3:18-CV-00010-NBB-RP

INSTITUTE OF COMMUNITY  
SERVICES, INC.

DEFENDANT

ORDER

This cause comes before the court upon the defendant's motion to dismiss for failure to state a claim. Upon due consideration of the motion, complaint, documents attached thereto and applicable authority, the court finds as follows:

The plaintiff, Cynthia Little, was formerly employed by Defendant, Institute Community Services, Inc. ("ICS"), as a teacher's assistant and substitute bus driver. Little initiated the present litigation against ICS, asserting a claim for retaliation under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§2000e et seq. ICS now moves to dismiss and argues that Little's Title VII claim is procedurally barred.

The statute of limitations governing Title VII claims requires that suit be brought within ninety days of the plaintiff's receipt of a right-to-sue letter from the Equal Employment Opportunity Commission ("EEOC"). 42 U.S.C. §2000e-5(f)(1). If a plaintiff fails to file suit within this ninety-day period, the court must dismiss the action. *Taylor v. Books A Million, Inc.*, 296 F.3d 376, 379 (5th Cir. 2002). Further, the ninety-day statutory period must be strictly construed. *Id.*

Little filed her charge of discrimination with the EEOC on April 26, 2017. On August 11, 2017, the EEOC sent Little the right-to-sue letter. The court will presume that Little received the letter on August 14, 2017, three days from the date the letter was post-marked. *See Martin v.*

*Alamo Community Cmty. College Dist.*, 353 F.3d 409, 411 (5th Cir. 2003). Pursuant to the aforementioned statute of limitations, Little must have filed suit on or before November 12, 2017. Little, however, did not file the instant complaint until January 2, 2018, fifty-one days after the limitations period had expired.

For these reasons, the court finds that Little's Title VII claim is time-barred. Accordingly, the court finds that the defendant's motion to dismiss is well-taken and is, therefore, **GRANTED**, and that the plaintiff's complaint is hereby **DISMISSED**. This case is closed.

**SO ORDERED AND ADJUDGED** this, the 26<sup>th</sup> day of April, 2018.

/s/ Neal Biggers

**NEAL B. BIGGERS, JR.**

**UNITED STATES DISTRICT COURT**